

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7503

BILL NUMBER: SB 428

NOTE PREPARED: Jan 7, 2009

BILL AMENDED:

SUBJECT: Consolidation of Probation Departments.

FIRST AUTHOR: Sen. Boots

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Multiple Probation Department Consolidation:* The bill consolidates multiple probation departments in counties having more than one probation department into one probation department under the supervision of a joint probation committee consisting of all judges having the authority to impose probation.

Joint Probation Committee: It specifies that the joint probation committee has the authority to appoint probation officers, assign probation officers to particular courts, and remove probation officers.

Probation Officer Supervision and Powers and Duties: The bill provides that a probation officer assigned to a particular court by the joint committee is under the supervision of and directly responsible to the judge of that court. It specifies that, unless the joint probation committee determines otherwise, a probation officer who comes under the authority of a joint committee in accordance with this article retains the powers and duties that the probation officer possessed before the officer came under the authority of the joint committee.

Transition Planning: The bill requires courts in a county with more than one court having the authority to impose probation to submit a transition plan to the Judicial Conference for approval, and authorizes the Judicial Conference to approve the plan, modify the plan, or deny the plan.

It makes other changes and conforming amendments.

Effective Date: July 1, 2009.

Explanation of State Expenditures: The bill could minimally increase costs for the Judicial Conference

to review transition plans submitted or resubmitted by an affected county.

Background: The Judicial Conference is chaired by the Chief Justice of the Supreme Court, and the board of directors is comprised of judges and other court personnel from throughout Indiana. Staff is provided for the Judicial Conference through the Judicial Center. In FY 2009, the Judicial Center received an appropriation from the state General Fund of \$3.1 M.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill will have indeterminate fiscal impact on counties that have more than one probation department. If a combined department is more efficient, costs could be reduced for those consolidating counties.

Background- Under current law, a court or a division of a court that is authorized to impose probation may appoint probation officers sufficient to address the needs of the court. Under the bill, probation officers would be appointed and assigned by a joint committee of the courts in the county that have authority to impose probation.

In addition, authority to jointly appoint probation officers for two courts not in the same county is removed by the bill. There are no data available to indicate that any courts not in the same county are currently jointly appointing probation officers.

The 2007 *Indiana Probation Report* indicates that many courts have unified their probation offices. The following 26 counties have more than one probation department.

County	Number of Probation Departments	Number of Personnel			
		Chief Probation Officer	Probation Officers	Clerical	Other
Allen	2	2	55	14	17
Boone	2	2	6	3	2
Clark	6	6	18	9	4
Clinton	2	2	3	5	0
Dearborn	3	3	6	4	9
Decatur	2	2	1	2	0
Delaware	3	3	15	5	0
Dubois	2	2	2	3	1
Elkhart	2	3	37	15	31
Floyd	2	2	4	5	2

County	Number of Probation Departments	Number of Personnel			
		Chief Probation Officer	Probation Officers	Clerical	Other
Gibson	2	2	1	4	1
Grant	3	3	18	5	3
Hancock	2	2	13	5	2
Hendricks	2	2	22	4	1
Jennings	2	2	5	3	2
Johnson	2	2	19	2	2
LaGrange	2	2	3	2	3
Lake	15	15	94	34	24
LaPorte	5	6	19	12	0
Madison	5	5	27	21	9
Porter	2	2	37	10	0
Posey	2	2	4	0	0
Putnam	2	2	4	5	1
St. Joseph	2	2	52	14	4
Vanderburgh	2	2	26	5	12
Warrick	2	1	4	2	0

Explanation of Local Revenues:

State Agencies Affected: Judicial Conference.

Local Agencies Affected: Counties with more than one probation department.

Information Sources: State Court Administrator, *2007 Indiana Probation Report*.

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